REMARKS

Claims 18, 39, 42 are amended, no claims are canceled, and claims 50-51 are added; as a result, claims 18-51 are now pending in this application.

§102 Rejection of the Claims

Claims 39 and 40 were rejected under 35 USC § 102(b) as being anticipated by Esquivel et al. (U.S. Patent No. 4,977,439). Applicant respectfully traverses.

Claim 39,as amended recites in part, connecting the first conductive elements to conductive parts that extend upwardly on opposite sides of the second conductive elements beyond the second depth. Applicant can not find this feature in Esquivel. As Esquivel does not teach all of the features of claim 39, applicant requests reconsideration of claims 39-40.

§103 Rejection of the Claims

Claims 18-20, 27-31, 33, and 38 were rejected under 35 USC § 103(a) as being unpatentable over Esquivel et al. Applicant respectfully traverses.

The Examiner has the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness. In re Fine, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d (BNA) 1596, 1598 (Fed. Cir. 1988). To establish a prima facie case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant' s disclosure. M.P.E.P. § 2142 (citing In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d (BNA) 1438 (Fed. Cir. 1991)).

First, the Office Action admits that Esquivel does not disclose expressly all of the features of the claims. Accordingly, the single reference, Esquivel, does expressly teach all of the claim limitations.

Applicant respectfully traverses the single reference rejection under 35 U.S.C. § 103 since not all of the recited elements of the claims are found Esquivel. Since all the elements of

the claim are not found in the reference, Applicant assumes that the Examiner is taking official notice of the missing elements. Applicant respectfully objects to the taking of official notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Applicant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position.

Claim 18 recites in part "connecting the first conductive material to conductive parts that extend upwardly on opposite sides of the second conductive material beyond the second depth." Applicant can not find this feature in Esquivel. Reconsideration and allowance of claim 18 is requested.

Claims 19-20, 27-31, 33, and 38 are allowable at least because they depend, some in part, on claim 18. Reconsideration and allowance are requested.

Claims 21 and 24 were rejected under 35 USC § 103(a) as being unpatentable over Esquivel et al. as applied to claims 18-20, 27-31, 33, and 38-40 above, in view of Dubin et al. (U.S. Patent No. 5,891,513). Applicant respectfully traverses. Claims 21 and 24 depend from claim 18 and are believed to be allowable at least for the reasons stated above with regard to claim 18 as Dublin does not cure the defects of Esquivel as a reference against the pending claims.

Claims 21-26, 35, 36, and 41 were rejected under 35 USC § 103(a) as being unpatentable over Esquivel et al. as applied to claims 18-20, 27-31, 33, and 38-40 above, in view of Gonzales (U.S. Patent No. 5,497,017). Applicant respectfully traverses. Claims 21-26, 35, and 36 depend at least in part from claim 18 and are believed to be allowable at least for the reasons stated above with regard to claim 18 as Gonzales does not cure the defects of Esquivel as a reference against the pending claims. Claim 41 depends at least in part from claim 39 and is believed to be allowable at least for the reasons stated above with regard to claim 41 as Gonzales does not cure the defects of Esquivel as a reference against the pending claims. Reconsideration is requested.

Claims 32 and 34 were rejected under 35 USC § 103(a) as being unpatentable over Esquivel et al. as applied to claims 18-20, 27-31, 33, and 38-40 above, in view of Yamamoto et al. (U.S. Patent No. 5,410,169). Applicant respectfully traverses. Claims 32 and 34 depend at least in part from claim 18 and are believed to be allowable at least for the reasons stated above

with regard to claim 18 as Yamamoto does not cure the defects of Esquivel as a reference against the pending claims.

Claim 37 was rejected under 35 USC § 103(a) as being unpatentable over Esquivel et al. as applied to claims 18-20, 27-31, 33, and 38-40 above, in view of Gaul (U.S. Patent No. 5,646,067). Applicant respectfully traverses. Claim 37 depends from claim 18 and is believed to be allowable at least for the reasons stated above with regard to claim 18 as Gaul does not cure the defects of Esquivel as a reference against pending claim 37. Reconsideration is requested.

Claims 42-46 were rejected under 35 USC § 103(a) as being unpatentable over Esquivel et al. in view of Gonzales. Applicant respectfully traverses. Claim 42 recites, in part, "connecting the first conductive material to conductive parts that extend upwardly on opposite sides of the second conductive material beyond the second depth." Applicant can not find this feature in Esquivel or Gonzales. Moreover, applicant can not find depositing a first seed layer. . . and depositing a second seed layer. Reconsideration and allowance of claim 42 is requested.

Claim 44 was rejected under 35 USC § 103(a) as being unpatentable over Esquivel et al. in view of Gonzales as applied to claims 42-46 above, and further in view of Gaul. Applicant requests clarification of the status of claim 44. The Office Action rejects claim 44 above based on Esquivel et al. in view of Gonzales and Esquivel et al., Gonzales and Gaul.

Claims 47 and 48 were rejected under 35 USC § 103(a) as being unpatentable over Esquivel et al. in view of Gonzales, as applied to claims 42-46 above, and further in view of Yamamoto. Claims 47 and 48 depend at least in part from claim 42 and are believed allowable therewith.

Statement of co-pending application

Applicant informs the examiner of the co-pending application serial no. 09/069,326. The '326 application was allowed on May 7, 2003 with claims 42, 43, 45-60 & 62-74. A copy of the Notice of Allowability from the '326 application is attached for the examiner's convenience.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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Date 3 July '03

By _____
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 3rd day of July, 2003.

Amy Moriarty
Name

Signature